

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18 CV 175 MOC WCM

RONALD WAYNE SPANN,

Plaintiff,

v.

FRANK PERRY, *Secretary of NCDPS,*
sued in his individual and official
capacity, GEORGE T. SOLOMON,
Director of NCDPS, sued in his
individual and official capacity,
PAULA SMITH, *Director of Medical*
Services NCDPS, sued in her
individual and official capacity,
MICHAEL SLAGLE, *Administrator*
of Mountain View Correctional
Institution, sued in his individual and
official capacity, DEXTER GIBBS,
Assistant Administrator MVCI, sued
in his individual and official
capacity, CHRISTOPHER CRAWFORD,
Assistant Superintendent of Custody
MVCI, sued in his individual and
official capacity, ROBERT UHREN,
Physician MVCI, sued in his individual
and official capacity, NORMA MELTON,
Head Nurse MCVI, sued in her
individual and official capacity, JAMIE
GRINDSTAFF, *Nurse MCVI, sued in*
her individual and official capacity

Defendants.

ORDER

This matter is before the Court on a Motion to Seal Plaintiff's Medical Records Attached to the Affidavit of Robert L. Uhren, Jr., M.D. (the "Motion to Seal," Doc. 59). By the Motion to Seal, Defendant Robert L. Uhren, Jr., M.D. seeks leave to file numerous pages of medical records under seal. The records are attached to an affidavit submitted in support of Defendant's Motion for Summary Judgment. See Docs. 57 & 58.

In evaluating a motion to seal, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000).

Here, Defendant contends that Plaintiff's medical treatment is at issue, that the records contain information pertaining to Plaintiff's medical condition, diagnoses, and complaints, and that such information is protected health information. Doc. 59, p. 1. Further, Defendant asserts that "there is no alternative to establish the necessary facts or to present the information without its placement under seal." Id.

Having reviewed the Motion to Seal and after consideration of the requirements of LCvR 6.1, the undersigned will grant the request. The Motion to Seal has been pending since November 12, 2020, and the public has been

provided with adequate notice of it. Considering the nature of the medical records, the public's right of access to such information is substantially outweighed by Plaintiff's interest in protecting the information, and sealing is necessary to protect Plaintiff's privacy interests. See Aiken v. Lee, NO. 1:17-cv-97-FDW, 2019 WL 6833882, at * 7 (W.D.N.C. Dec. 13, 2019) (sealing medical records filed in support of motion for summary).

IT IS THEREFORE ORDERED that the Motion to Seal Plaintiff's Medical Records Attached to the Affidavit of Robert L. Uhren, Jr., M.D. (Doc. 59) filed by Defendant Robert L. Uhren, Jr., M.D. is **GRANTED** and the medical records attached to the Affidavit of Robert L. Uhren, Jr., M.D. (Docs. 58-2 through 58-74) shall be sealed until further Order of the Court.

Signed: November 19, 2020



W. Carleton Metcalf
United States Magistrate Judge

